

radium destruction, cancerous growths, certain types of blindness and deafness, and refractory carbuncles; (purposes for which device was recommended) liver energizer, hemoglobin builder, respiratory stimulant, parathyroid depressant, thyroid energizer, antispasmodic, galactagogue, antirachitic, emetic, stomachic, lung builder, motor stimulant, alimentary tract energizer, lymphatic activator, splenic depressant, digestant, cathartic, cholagogue, anthelmintic, nerve builder, cerebral stimulant, thymus activator, antacid, chronic alterative, antiscorbutic, laxative, expectorant, bone builder, pituitary stimulant, disinfectant, purificatory, antiseptic, germicide, bactericide, detergent, muscle and tissue builder, cerebral depressant, acute alterative, tonic, skin builder, antipruritic, febrifuge, counter irritant, anodyne, demulcent, vitality builder, parathyroid stimulant, thyroid depressant, respiratory depressant, astringent, sedative, pain reliever, hemostatic, inspissator, phagocyte builder, splenic stimulant, cardiac depressant, lymphatic depressant, leukocyte builder, venous stimulant, renal depressant, antimalarial, vasodilator, anaphrodisiac, narcotic, antipyretic, analgesic, suprarenal stimulant, cardiac energizer, diuretic, emotional equilibrator, auric builder, arterial stimulant, renal energizer, genital excitant, aphrodisiac, emmenagogue, vasoconstrictor, ecboic, sex builder in subnormal and other diseases and conditions. The device when used in accordance with the directions, or when used in any manner whatsoever, was of no value in the treatment of any of the diseases and conditions mentioned, or for the purposes represented; and when so used, the device may delay appropriate treatment of serious diseases, resulting in serious or permanent injury to the user.

DISPOSITION: Dinshah P. Ghadiali, claimant, having filed an answer denying that the labeling was misleading, the case came on for trial before a jury on May 14, 1945. At the conclusion of the trial on June 26, 1945, the jury returned a verdict in favor of the Government; and on July 9, 1945, a decree was entered condemning the device and enjoining the claimant from introducing into interstate commerce any device labeled similarly to the condemned device.

A notice of appeal to the United States Circuit Court of Appeals for the Second Circuit was subsequently filed by the claimant. The claimant failed to perfect his appeal, and on January 3, 1946, the appeal was dismissed.

On February 5, 1946, an order was entered directing that the device and accompanying printed matter be delivered to a representative of the Food and Drug Administration.

2099. Misbranding of Spectro-Chrome. U. S. v. 1 Device Known as Spectro-Chrome (and 44 other seizure actions against Spectro-Chrome). Decrees of condemnation. Product ordered destroyed or delivered to the Food and Drug Administration. (F. D. C. Nos. 16818, 16819, 16831, 16832, 16834, 16835, 16837, 16839 to 16842, incl., 16874 to 16878, incl., 16880, 16899, 16908, 16912 to 16914, incl., 16916, 16919, 16931 to 16935, incl., 16958, 17000, 17019, 17062, 17176, 17269, 17273 to 17275, incl., 17278, 17416, 17719, 17720, 18883, 18889, 20565. Sample Nos. 50989-F, 76869-F, 76873-F, 77987-F, 77993-F, 77994-F, 3913-H, 3915-H, 3916-H, 4095-H, 4097-H, 4130-H, 4150-H to 4154-H, incl., 4156-H, 4158-H, 4159-H, 4164-H, 4172-H, 4179-H to 4182-H, incl., 4192-H, 4270-H, 4846-H, 4849-H, 4850-H, 4912-H, 5934-H, 6168-H, 6169-H, 6501-H, 6509-H, 9925-H, 13739-H, 13746-H, 13760-H, 13860-H, 22588-H, 31181-H, 43792-H.)

LABELS FILED: Between July 19, 1945, and July 30, 1946, Eastern District of Missouri, Northern District of Illinois, Eastern District of Pennsylvania, Northern District of Ohio, Eastern and Southern Districts of New York, Southern District of Indiana, Northern District of West Virginia, District of Arizona, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of November 1943, and January 15, 1946, from Newfield and Malaga, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 45 *Spectro-Chrome* devices at Affton and St. Louis, Mo.; Chicago, Ill.; Allentown, Bath, Bethlehem, Coplay, Emmaus, Laurys Station, Nazareth, Philadelphia, Schnecksville, and West Catasauqua, Pa.; Cleveland, Lima, and Mentor, Ohio; Bronx, Brooklyn, Inwood, Liberty, and New York, N. Y.; Indianapolis, Ind.; Wheeling, W. Va.; Tucson, Ariz.; and Los Angeles, Calif. The product at Tucson had been originally shipped from New Jersey to West Bend, Wis., and from there it was transported to Arizona.

The construction and appearance of each device was essentially the same, and it was misbranded in essentially the same respect, as the device involved in the preceding notice of judgment, No. 2098.

Most of the devices were accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Favorscope for 1944 [or "1945"]," "Rational Food of Man," "Key to Radiant Health," "Request for Enrollment as Benefit Student," "Auxiliary Benefit Notice—Make Your Own Independent Income as Our Introducer," "Spectro-Chrome General Advice Chart for the Service of Mankind—Free Guidance Request," "Certificate of Benefit Studentship," "Spectro-Chrome—December 1941—Scarlet," "Spectro-Chrome—June [or "August," or "September"] 1944," "Spectro-Chrome—February 1945," "Spectro-Chrome in Every Home," "Here Is the Work that Shattered All False Conceptions in Healing" "Spectro-Chrome—March 1945—Yellow," "Appeal to Boys & Girls," "Constitution and By-laws," "Planet Meeting Places," "Triumph of Spectro-Chrome," "Spectro-Chrome Vol 19, Nos 11 & 12," and "Vol 20, Nos 1, 2, 3, 4," "Free Guidance Information Letter," "Family Health Protector," "Spectro Chrome Metry Encyclopedia 3 Volumes."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the devices bore false and misleading curative and therapeutic claims in substantially the same respect as the device involved in the preceding notice of judgment, No. 2098.

DISPOSITION: Between August 10, 1945, and October 22, 1946, no claimant having appeared, judgments of condemnation were entered. A number of the devices were ordered destroyed, and the remainder were ordered delivered to the Food and Drug Administration for use in experimental and clinical investigations and for use in other court cases which were pending or which might be filed in the future.

2100. Misbranding of Thermo-Magno-Ray Thermapax Health Applicator. U. S. v. 1 Thermo-Magno-Ray Thermapax Health Applicator. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 19731. Sample No. 21996-H.)

LABEL FILED: On or about May 9, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: From Fort Wayne, Ind., by the Thermapax Industries. The product was shipped on or about March 12, 1946, and a circular relating to the product was shipped prior to that date.

PRODUCT: 1 *Thermo-Magno-Ray Thermapax Health Applicator* at Murray, Ky., together with a circular entitled "Magnetic Rays A Powerful Factor in Restoring and Preserving Health." The product was a cap-shaped metal shell, containing insulated wire. When connected to a source of electric current, it produced heat and was surrounded by a magnetic field.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Health Applicator" was false and misleading since the product would not maintain the health of the healthy or restore the health of the unhealthy.

Further misbranding, Section 502 (a), certain statements in the circular were false and misleading since they represented and suggested that the product would be effective for restoring and preserving health, producing health-giving rays in the treatment of disease, preventing and relieving human ills, accomplishing brilliant results in the treatment of disease, and overcoming disease by correcting electrical deficiency in the blood; that it would overcome auto-intoxication, the myriad manifestations of toxemia, most chronic ailments, and many acute conditions; that it would keep the white cells active in fighting disease organisms in the blood stream; that it would energize the body tissue by increasing the activity of the cells; that it would normalize metabolism processes and increase energy, life, and "pep"; that it would induce activity to the circulatory system; that it would stimulate natural vital processes; that it would promote the elimination of waste; that it would strike at the underlying cause of disease; that it would set antitoxic and eliminative forces and organs to work and enable them better to perform their functions; that it would cause all the life forces to work toward health; that it would provide renewed health and vigor; that it would increase the power of the body to rid itself of waste matter and poisons that clog the cells and blood stream more and more with advancing years; that it would correct faulty elimination of poisons resulting from abnormal activities of the organs, tissues, and cells of the body; that it would prevent the absorption of poisons from putrefactive changes in intestinal contents; that it would overcome the effects of poisons from infected teeth, tonsils, and sinuses, and the effects of toxemia from over-eating, improper diet, overindulgence in cigarette smoking, worry, fear, coffee